



Entered on Docket
June 17, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Amended Eighth
Omnibus Objection Of USACM Trust To
Proofs Of Claim Based In Whole or In
Part Upon Investment In The Marlton
Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Amended Eighth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8357] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders'

1 right to repayment by the borrower or from the collateral securing the Marlton Square
2 Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8357] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in whole or in part to
6 the extent those claims are based upon an investment in the Marlton Square Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
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18
19 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:
1617 Counsel appearing: _____
1819 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
20 copy of this order with the motion pursuant to LR 9014(g), and that
21 no party has objected to the form or content of the order
22

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

23 Submitted by:
24 LEWIS AND ROCA LLP
2526 By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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**USACM Trust
Marlton Square
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01183	11/10/2006	Karen Petersen Tyndall Trust Dtd 3/9/94	C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	1,115,915.59	152,239.44
10725-02177	1/12/2007	Klay Living Trust Dtd 7/11/90	Othmar & Christine Klay Tees 5530 Lausanne Dr Reno, NV 89511	708,473.90	100,000.00
10725-00768-2	10/27/2006	Nienke A Lels Hohmann	Revocable Trust Agreement Dated 3/8/00 c/o Nienke A Lels Hohmann Trustee 2275 Broadway Street San Francisco, CA 94115	131,474.82	50,000.00
10725-02057	1/11/2007	Lindsey H Kesler Jr IRA	First Savings Bank Custodian 4847 Damon Cir Salt Lake City, UT 84117	517,569.18	100,000.00
10725-01081	11/7/2006	Macdonald Center	For The Arts & Humanities 1730 W Horizon Ridge Pkwy Henderson, NV 89012-1001	1,525,000.00	525,000.00
10725-02308	1/13/2007	Mantas, Leo G	7440 S Blackhawk St #12208 Englewood, CO 80112-4355	329,116.00	150,000.00
10725-01898	1/9/2007	Massry, Morris	C/O Segel Goldman Mazzotta & Siegel Pc 9 Washington Sq Albany, NY 12205	1,802,040.00	101,527.78

EXHIBIT A

**USACM Trust
Marlton Square
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-00596	10/16/2006	Mehlman, Marina IRA	2027 Hathaway Ave Westlake Village, CA 91362-5171	112,088.96	52,000.00
10725-02187	1/12/2007	Melvin J & Evelyn A Ives Bypass Trust Dtd 1/6/93	Evelyn A Ives Trustee 220 First St #3 Seal Beach, CA 90740	447,246.00	75,000.00
10725-02306	1/13/2007	Menchetti, D G	Po Box 7100 Incline Village, NV 89452-7100	1,800,000.00	250,000.00

EXHIBIT A